

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

HEINZ GENTGES,

Defendant.

No. 18 Civ. 7910 (KMK)

STIPULATION AND ORDER

WHEREAS on August 29, 2018, the Plaintiff United States of America (the “United States” or the “government”) filed this action against defendant Heinz Gentges to collect civil penalties assessed due to his willful failure to disclose his interest, during calendar year 2007, in two foreign financial accounts at UBS AG (“UBS”) in Switzerland, bearing account numbers XXX-XXXX4959¹ (the “4959 Account”) and XXXX-XX4337 (the “4337 Account,” and together, the “UBS Accounts”), as required by the Bank Secrecy Act, 31 U.S.C. §§ 5314 and 5321, and its implementing regulations;

WHEREAS on March 31, 2021, the Court entered an Opinion and Order granting summary judgment to the United States on the issue of Gentges’s willfulness in failing to timely disclose the UBS Accounts, *see* Dkt. No. 48 (the “Opinion and Order”);

WHEREAS the Opinion and Order granted summary judgment to the government on the calculation of the penalty of \$679,365 assessed with respect to the 4959 Account, but remanded the calculation of the penalty of \$224,488 originally assessed with respect to the 4337 Account; and

¹ Pursuant to Federal Rule of Civil Procedure 5.2, only the final four digits of financial account numbers are included herein.

WHEREAS bank records subsequently produced by UBS show that the balance of the 4337 Account on June 30, 2008, was \$398,648;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Based on the Opinion and Order and the records produced by UBS regarding the 4337 Account, the parties agree to the form of judgment (the “Judgment”) submitted concurrently with this Stipulation and Order (“Stipulation”). The Judgment reflects a penalty of \$679,365 with respect to the 4959 Account, and a penalty of \$199,324 with respect to the 4337 Account, plus interest and penalties accruing under 31 U.S.C. § 3717 between March 3, 2017, and October 15, 2021.

2. The Judgment shall be entered against Gentges and in favor of the United States in the total amount of \$1,162,974.98. Interest under 28 U.S.C. § 1961, and penalties under 31 U.S.C. § 3717(e)(2) and 31 C.F.R. §§ 5.5(a), 901.9, will continue accruing after the date of entry of the Judgment until the date of payment.

3. The Judgment shall constitute a final judgment pursuant to Federal Rule of Civil Procedure 54, and the parties reserve their rights to appeal from the Judgment.

4. This Stipulation constitutes the complete agreement between the parties with respect to the subject matter hereof, and any statements, representations, promises, agreements, or negotiations, oral or otherwise, that are not included herein shall be of no force or effect.

5. The terms of this Stipulation shall become effective upon entry of the Stipulation and the Judgment by the Court. If the Stipulation and the Judgment are not both approved and entered by the Court, this Stipulation shall be null and void, with no force or effect.

6. This Stipulation may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same Stipulation. Signatures in digital form or

facsimiles of signatures shall constitute acceptable, binding signatures for purposes of this Stipulation.


7. Upon the entry of this Stipulation and the Judgment by the Court, the case shall be closed.

For the United States of America:

Dated: October 14, 2021

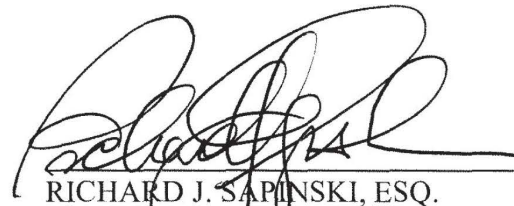
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For the Defendant:

Dated: October 14, 2021


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SO ORDERED:



HON. KENNETH M. KARAS
United States District Judge

Dated: October 14, 2021